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Paper No. 20

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OCT 26 2004

In re Application of: :
Loa ANDERSSON, et al. :
Application Serial No.: 09/417,864 :
Filed: October 13, 1999 :
For: VIRTUAL PRIVATE NETWORK :
MANAGEMENT SYSTEM :

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

This is a decision on the petition filed September 21, 2004 under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment. No fee is required.

The petition is **DENIED**.

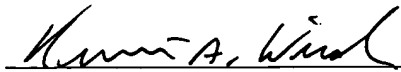
The application is held abandoned for failure to submit the issue fee in response to the Notice of Allowance and Issue Fee Due mailed February 10, 2004. A Notice of Abandonment was mailed September 13, 2004.

Subsequent to the mailing of the Notice of Allowance, applicant filed Part B-Fee(s) Transmittal with an authorization to charge issue fee. However the authorization was not signed.

Petitioner urges that the application file should not be abandoned because a transmittal letter was attached to the Notice of Allowance indicating that "...any deficiency or credit (of) any overpayment (should be made) to Deposit Account 502569." There is no specific language in this statement that the 'issue fee' or 37 CFR 1.18 fees be charged. MPEP 1306 states that "...any such payment must be specifically authorized by reference to the 'issue fee' or 'fees due under 37 CFR 1.18.'" (Emphasis added.)

35 USC 151 states in part "...a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or portion thereof, which shall be paid within three months thereafter. ...if payment is not timely made, the application shall be regarded as abandoned." (Emphasis added.)

Petitioner is given **TWO MONTHS** from the date of this decision to request reconsideration. This period is not extendable under 37 CFR 1.136(a). Petitioner may wish to consider filing a petition to revive an abandoned application in accordance with 37 CFR 1.137(b).



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